

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2499

WHEREAS Council deems it advisable to regulate Soil Removal/Cut and Soil Deposition/Fill within the City of Rossland.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Rossland, in open meeting assembled, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the "Soil Removal/Cut and Soil Deposition/Fill Bylaw No.2499, (2011).

INTERPRETATION

2. DEFINITIONS

"Chief Building and Plumbing Official" means the Chief Building Official of the Corporation of the City of Rossland or the designate thereof.

"Soil Deposition/Fill" means to place, locate, situate, set down or fill in, soil on land, and includes, without limitation, any action or omission by an owner of land or his agents, employees, tenants, or invitees, which causes or permits to occur the movement of soil from one lot to another lot or from one portion of a lot to another portion of the same lot

"Soil Removal/Cut" means to take, excavate or extract soil from, or move or transport soil about or off of land;

"Commercial Soil Enterprise" means any business licensed to operate in the City and engaged in the storage and production of soils for retail sales, or, in the removal (cut), deposition (fill), or excavation of soil; transporting soil to, from, or, within a site.

"Road" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a right-of-way on private property;

"Soil" means topsoil, silt, clay, sand, gravel, rock, peat or other substance of which natural land is composed.

"Permit" means a building permit for the construction, repair, or renovation of structures (including the repair of plumbing, framing, roofing and windows) on land.

"Development Permit" as defined in the *Local Government Act*.

3. REGULATIONS

- a. No person shall remove soil from or deposit soil on any land within the City without having obtained a soil removal or deposit permit from the Chief Building & Plumbing Official or designate.

- b. No subdivision approval, development permit or building permit authorizes the removal or deposit of soil regulated by this bylaw.
- c. Permitted soil removal and deposit activities may occur between the hours of 7:00 am and 7:00 pm from Monday to Friday, except statutory holidays, and at no other time.
- d. No permit shall be issued in respect of, nor shall any person remove soil from or deposit soil on, any land in a development permit area designated in the Official Community Plan Bylaw No. 2428, 2008 until a development permit has been issued to authorize the alteration of the land.
- e. No person shall deposit or remove soil so as to:
 - i. Endanger utilities, municipal works, surrounding or neighbouring land or the support thereof, or create or result in any hazard;
 - ii. Make impracticable the future subdivision or development of surrounding or neighbouring land;
 - iii. Foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer in the City, whether or not situated on private property;
 - iv. Contravene the *Soil Conservation Act* or any other provincial law or regulations pertaining to natural waterways and rivers or agricultural land reserves.
- f. Every area of excavation or soils to be deposited shall be covered with not less than 10 cm of topsoil, graded and sown with grass or other protective vegetation cover, unless the excavation or soils to be deposited has occurred in the course of building construction and is to be covered by a building or structure authorized by an issued building permit or landscaped in accordance with an issued building or development permit, or the Chief Building & Plumbing Official or designate determines that the placement of topsoil and planting of vegetation is not required to control water or wind erosion.

4. EXEMPTIONS

- a. A soil deposit permit or Road damage deposit is not required under this bylaw for the removal of less than 20 cubic metres of soil from or the deposit of less than 25 cubic metres of soil on a single parcel of land over one calendar year.
- b. The deposit of soil required for road and walkway construction up to 300mm in depth from the finished grade, pipe bedding and landscaping up to 200mm in depth are exempt from the requirement for a permit under this bylaw.
- c. No fee is required if a professional engineer can certify that the quantity of soils to be removed in order to develop the site can be fully accommodated on the site or that the quantity of soils to be deposited required to develop the site can be generated from the site.

5. PERMITS

- a. An application for a permit shall be made and in accordance with Schedules 'A' & 'B' as amended from time to time.

6. SITE ACCESS AND SECURITY

- a. Access to any area from which soil is being removed or on which soil is being placed must be controlled at all times by a gate or other suitable device, to prevent unauthorized dumping, and the excavation or deposit site must be free of hazard and maintained hazard free at all times.
- b. If, at any stage of a soil removal or deposit operation, it appears that work authorized by the permit is likely to endanger any utilities, bridges, drains, public property, streets, easements or lanes, or is likely to create conditions which would endanger the health or safety of persons or property, the permit may be revoked by the Chief Building Official or the permittee may be required, as a condition to the continuance of the work, to take adequate precautions to prevent such danger.

7. INDEMNIFICATION

The holder of the permit shall at all times bear full responsibility for any accident which may occur or damage which may be done to any person or property whatsoever caused directly or indirectly by the work authorized by the permit, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of the work.

8. ENFORCEMENT

- a. The Chief Building Official, the Bylaw Enforcement Officer and all City employees under their direction may at all reasonable hours enter upon any land or premises in the City to determine if the provisions of this bylaw are being complied with. No person shall obstruct such entry.
- b. Upon written notice being given to a permit holder by the Chief Building Official or the Bylaw Enforcement Officer of a breach of this bylaw or the terms of a permit issued under this bylaw, all deposit or removal of soil shall cease until the breach is remedied.
- c. If soil is deposited on land or removed from land without a required permit, the owner of the land shall comply with this bylaw or remove or replace the soil, within seven days notice to do so from the Chief Building Official or Bylaw Enforcement Officer. On default by the owner, the soil may be removed or replaced by the City at the expense of the owner of the land and the costs shall be recovered in the same manner as municipal taxes.
- d. The Chief Building Official may suspend or revoke a permit issued under this bylaw if the permit holder violates any of the provisions of this bylaw or the terms of the permit.

9. PENALTY

Any person who violates any provision of this bylaw or fails to comply with any permit issued under this bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000.

10. RELIEF

The bylaw will not affect soil deposit or removal activities related to subdivision or building permit applications made prior to the date of bylaw adoption until 6 months after the date of bylaw adoption.

11. ENACTMENT

- (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED

this 14th day of February, 2011
this 14th day of February, 2011
this 14th day of February, 2011
this 28th day of February, 2011

Mayor

City Clerk

SCHEDULE 'A'
Soil Removal / Deposit Permit Application

Before completing this application, please refer to the following documents:

- Zoning Bylaw No.1912 (1999)
- Building Bylaw No.1978 (2006)
- Hillside Standards Guidelines 2008
- Official Community Plan Bylaw No.2425 (2008)
- Soil Removal and Deposition Bylaw No. 2499 (2011)
- Subdivision & Servicing Bylaw No.1999
- Tree Retention Bylaw No.2389 (2008)

Should the City of Rossland approve a Soil removal & Deposition Permit for the proposed site preparation, work would be permitted to proceed as detailed in the approved permit.

FOR OFFICE USE ONLY	
Date Stamp	

APPLICANT INFORMATION

Name:		Phone:
Address:		Cell:
Postal Code:	email:	

PROPERTY OWNER INFORMATION

Name:		Phone:
Address:		Cell:
Postal Code:	email:	

PROPERTY INFORMATION

Civic Address:	Is the Property in a Development Permit Zone? Y N
Legal Description:	

NATURE OF WORKS (Also see Application Checklist on reverse)

MOVEMENT OF FILL	
If fill is to be used, please provide the location of the source of fill (include civic address).	
Is material from a contaminated site to be used? (If yes provide item 9 in the application checklist)	
If material is to be removed, please Provide the location where the material is to be deposited. (include civic address).	

APPLICATION CHECKLIST	
1. Photographs (referenced to map or sketch)	<input type="radio"/>
2. East/West and North/South cross sectional profiles of fill and/or removal areas.	<input type="radio"/>
3. Confirmation of slope stability of proposed cross sections by a Professional Geotechnical Engineer for all slopes exceeding 1.5h: 1v or for fill in excess of 100 cubic meters or the use of retaining Structures greater than 1.2m in height as per the Zoning Bylaw No.1978 (2006).	<input type="radio"/>
4. Confirmation that any onsite sewage disposal systems have been abandoned to the satisfaction of the Ministry of health (where applicable).	<input type="radio"/>
5. Confirmation that any wells have been abandoned to the satisfaction of the Ministry of health (where applicable).	<input type="radio"/>
6. Silt and sediment control plan, including a timeline for proposed works and And securities for reinstating the property to a natural vegetated state should the work discontinue	<input type="radio"/>
7. Storm water management plan addressing runoff associated with works and proposed contours.	<input type="radio"/>
8. Commitment to prevent negative impacts on City of Rossland road Infrastructure including accumulation of mud and debris on the roads that may require use of a grader and street sweeper for removal.	<input type="radio"/>
9. Copy of Schedule 1 of the Environmental Management Act—Contaminated Sites Regulation, as submitted to the Ministry of Environment. (where applicable)	<input type="radio"/>
10. Application Fee: \$75.00	<input type="radio"/>

Note: All works must be in accordance with City of Rossland bylaw standards and all other Appropriate government regulations.

IMPORTANT: This is NOT a Soil Removal / Deposit Permit.

Applicant's Name:

Applicant's Signature:

Submit completed application and accompanying documentation to:
 Corporation of the City of Rossland, 1899 Columbia Ave., Box 1179, Rossland BC, V0G 1Y0
 Phone 250.362.7396 Fax: 250.362.5451 email:reception@rossland.ca

OFFICE USE ONLY

PERMIT ISSUED: SRD# _____ Date: _____ Per: _____ Further information required

SCHEDULE 'B'

Fees & Charges

CLASS	QUANTITY	FEE		EXPIRY
		Soil Deposit or Removal	** Road Damage Deposit	
A	Single Family Dwelling at Building Permit	0.1% of building permit value	\$500	120 days
B	>20m ³ <100m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR	\$500	60 days
C	>100m ³ <500m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR	\$750	90 days
D	>500m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR	\$1000	120 days
E	Commercial Soil Enterprise	\$500 per operation paid at application or renewal of a business license.	na	1 year
** Road damage deposit is not required if a damage deposit has already been paid in conjunction with a building permit or subdivision construction approval application.				